

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA

BECKLEY DIVISION**

DANIEL HENRY,

Plaintiff,

v.

CIVIL ACTION NO. 5:04-0661

MARY ANDERSON,

Defendant.

ORDER

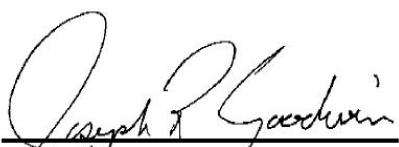
Pending before the court is the petitioner's "Application under 28 U.S.C. § 2241 for Writ of Habeas Corpus by a Person in State or Federal Custody." This action was referred to the Honorable R. Clarke VanDervort, United States Magistrate Judge, for submission to this court of proposed findings of fact and recommendation for disposition, pursuant to 28 U.S.C. § 636(b)(1)(B). The Magistrate Judge has submitted findings of fact and recommended that the court deny the petitioner's motion.

The court has received and reviewed the petitioner's objections to Magistrate Judge VanDervort's proposed findings and recommendations. The court **FINDS** that the petitioner's objections are without merit.

Accordingly, the court **ADOPTS** and incorporates herein the findings and recommendation of the Magistrate Judge, and **DENIES** the petitioner's motion.

The court **DIRECTS** the Clerk to send a certified copy of this Order to Magistrate Judge VanDervort, counsel of record, and any unrepresented party.

ENTER: December 28, 2005



JOSEPH R. GOODWIN
UNITED STATES DISTRICT JUDGE